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Date: JANUARY 24, 2005

To: EXAMINER DERRICK W. FERRIS
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 827-9314

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: FR 000029 (7790/353)

of Pages: 12
(including cover sheet)

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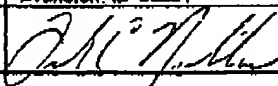
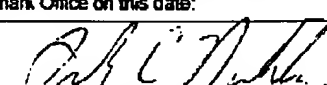
USPTO Form 100 (12-97) Application for a Patent (P.02/12) Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Attorney Docket No	FR000029 (7790/353)
	Application Number	09/817,086
	Filing Date	March 26, 2001
	First Named Inventor	JEAN-MICHEL SIMON
	Group Art Unit	2682
	Examiner	PHU, SANH D

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Non-Final Office Action Dated October 22, 2004 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Patenting Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below). <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		

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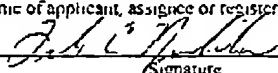
				Small Entity		Large Entity			
	Claims After Amendment		Highest No Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus		0	x \$25=	0		x \$50=	
Indep		Minus		0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	—		+ \$360=	
					total add'l fee	\$ 0		total add'l fee	\$

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orlington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	January 24, 2005
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Name of applicant, assignee or registered representative

Signature
January 24, 2005
Date of Signature

PATENT
Case No. **FR 000029**
(7790/353)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	
JEAN-MICHEL SIMON)	
)	Examiner: PHU, SANH D.
Serial No.: 09/817,086)	
)	Group Art Unit: 2682
Filed: MARCH 26, 2001)	
)	
For: APPARATUS COMPRISING A)	
STORAGE DEVICE FOR STORING)	
PERFORMANCE DATA AND)	
METHOD OF UPDATING THIS)	
STORAGE DEVICE)	

RESPONSE TO NON-FINAL OFFICE ACTION DATED OCTOBER 22, 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to Non-Final Office Action dated October 22, 2004, please
reconsider the application in light of the following remarks.